


APR 05 2013

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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

BRANDON JEROD SMITH,	)	Civil Action No. 7:13cv00060
Plaintiff,	)	
	)	<u>ORDER ADOPTING REPORT</u>
v.	)	<u>AND RECOMMENDATION</u>
	)	
OFFICER OWENS et al.,	)	By: Samuel G. Wilson
Defendants.	)	United States District Judge

Brandon Jerod Smith, a Virginia inmate proceeding *pro se*, brings this action pursuant to 42 U.S.C. § 1983 against three Wallens Ridge State Prison correctional officials, alleging that the officials physically assaulted him. Smith filed a motion for a preliminary injunction seeking an order to protect him from the defendants. The court took Smith's motion under advisement and referred it to Magistrate Judge Pamela Meade Sargent for a Report and Recommendation pursuant to 28 U.S.C. § 636(b)(1)(B).

The Magistrate Judge held a hearing on the matter and filed a report finding that Smith has failed to demonstrate a likelihood of irreparable harm or success on the merits, and recommending that the court deny Smith's motion for injunctive relief. Smith has filed objections to the Magistrate Judge's report and recommendation. Smith's objections show that he is no longer housed at Wallens Ridge State Prison, but that the Virginia Department of Corrections has transferred him to Sussex I State Prison, effectively mooted his claim for injunctive relief. Having reviewed the Report and Recommendation, Smith's objections, and pertinent portions of the record, the court agrees with the Magistrate Judge's recommendation. Accordingly, it is hereby **ORDERED** and **ADJUDGED** that the Magistrate Judge's Report and

Recommendation is **ADOPTED** in its entirety, Smith's objections are **OVERRULED**, and Smith's motion for preliminary injunctive relief is **DENIED**.

**ENTER:** April 5, 2013.



UNITED STATES DISTRICT JUDGE